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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/159,386	09/23/1998	MASAHIRO MAKI	50023-097	5068

20277 7590 09/24/2002
MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

HA, DAC V

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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SUPPLEMENTAL
Notice of Allowability

Application No.

09/159,386

Examiner

Dac V. Ha

Applicant(s)

MAKI ET AL.

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment after final filed on 08/08/02.
2. ☒ The allowed claim(s) is/are 1,2,4,6-10, 14, 16-30, 32-49 (renumbered as indicated in the Office Action).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No. 8.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

SUPPLEMENTAL OFFICE ACTION

Allowable Subject Matter

1. This is a Supplemental Office Action to include the acknowledgement of the paper filed on July 16, 2002. In this paper, applicants' request for correction of one of the inventor's name of record, KAZUHIKO, has been acknowledged. Applicants' request for correction of the Title also has been acknowledged. The applicants also request for correction of the number of drawings. However, after consulting with the applicants' representative, Mr. Wei-Chen Chen, this was an error on the applicants part. Thus, the number of drawings stays the same, which is 16, as originally filed.

2. The following is a statement of reasons for the indication of allowable subject matter:

Upon further consideration and comparison with prior art of record (Hayashino et al. US 5,682,376 and Hyll US 6,005,893) the examiner agrees with the applicants' argument in the REMARKS on pages 5-8 in the amendment filed on 08/08/02. Thus, the amended claims 1, 2, 4, 6-10, 49, 14, 16-19, 22, 26, 20, 24, 21, 23, 25, 27, 28, 30, 36-38, 33, 35, 39, 42, 46, 48, 47, 40, 44, 41, 43, 45, 29, 32, 34, which are renumbered as 1-42, respectively, are found to be novel and unobvious over prior art of record.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ogino et al. (US 6,308,054) disclose a Diversity Wireless communication Method And Its Wireless Communication Apparatus.

Koga et al. (US 6,415,005) disclose a Digital Communication Apparatus.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dac V. Ha whose telephone number is 703-306-5536. The examiner can normally be reached on 5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-746-5813 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-5500.

Dac V. Ha
Examiner
Art Unit 2634

DH
September 12, 2002


STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600